



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/704,400	08/27/96	SOMBROEK R	PHN14.491A

E6M1/0918

JACK E HAKEN
CORPORATE PATENT COUNSEL
U.S. PHILIPS CORPORATION
PATENT DEPT 580 WHITE PLAINS ROAD
TARRYTOWN NY 10591

EXAMINER

BRIER, J

ART UNIT

PAPER NUMBER

2415

DATE MAILED: 09/18/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/704,400

Applicant(s)
Sombroek et al.

Examiner
Jeffery A. Brier

Group Art Unit
2415



☒ Responsive to communication(s) filed on Jun 30, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 and 3-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 3-11 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Amendment

1. The amendment filed on 6/30/97 to page 4 line 13 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The 35 U.S.C. 103(a) rejection of claims 1 and 3-11 set forth in paragraph 4 of paper no. 15 is reproduced below.
4. Claims 1 and 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (Japanese Patent application publication no. 1-200285) and Takahashi (U.S. Patent No. 5,153,571). Kato describes a software routine running on the computer which increases the speed of the cursor after the cursor key has been depressed a predetermined amount of time. Applicant now claims that the manually operable data input device sends low speed data to the cursor control means during a predetermined time interval to cause the cursor to travel at a low speed and after the predetermined time interval sends high speed data to the cursor control means to cause the cursor to travel at a high speed. This feature of applicants invention is not taught by Kato. Takahashi teaches a mouse which can send low speed data to a cursor control means to cause the cursor to travel at a low speed and which can send high speed data to a cursor control means to cause the cursor to travel at a high speed. Takahashi outputs the low or high speed data

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in response to depression of switch 8a. The computer in Takahashi need not perform the software routine that the computer in Kato performs because the input device has already performed the routine. Thus, Takahashi teaches that it is well known at the time of applicants invention to alter the data output from a manually operable data input device in order to control the cursor speed. In view of Takahashi it would have been obvious to one of ordinary skill in the art at the time of applicants invention to modify Kato by altering the data from the keyboard's cursor key at the keyboard instead of at the computer because this will relieve the computer of additional processing.

Response to Arguments

5. Applicant's arguments filed 6/30/97 have been fully considered but they are not persuasive. Applicant argues that the mouse described in Takahashi does not output low speed or high speed cursor data, but according to applicant Takahashi outputs data relating "to spatial resolution of the cursor motion, and not to the temporal feature involved in cursor speed". However, switch 8a controls how fast latch circuit (5) latches onto a new pulse signal and controls the speed at which the pulse signals are sent to the computer. Therefore, Takahashi teaches outputting low speed cursor control data and high speed cursor control data. Takahashi suggests that the cursor data generated from the cursor keys of a keyboard may be controlled in a similar manner at column 1 lines 10 and 11 "or a keyboard, for generating a predetermined pulse signal". Kato teaches modifying the speed of cursor control data at the computer. In view of Takahashi it would have

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been obvious to one of ordinary skill in the art at the time of applicants invention to modify Kato by altering the data from the keyboard's cursor key at the keyboard instead of at the computer because this will relieve the computer of additional processing.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

Responses

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications. **NOTE:** A Request for Continuation (Rule 60 or 62) cannot be faxed.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Mondays through Fridays from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached on (703) 305-9703.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [mark.powell@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the

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Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

September 15, 1997

Jeffery A. Brier
JEFFERY BRIER
PRIMARY EXAMINER
GROUP 2600